

REMARKS

Claims 1-3 and 5-18 are now pending in this application.

Claim 4 has been canceled and claims 1, 2, 5, 6, 12 and 17 have been amended to more particularly point out and distinctly claim the invention. The amendments to claim 1 are supported within originally pending now canceled claim 4. The amendments to claims 2, 5, and 6 are all formal in nature. The amendments to claim 12 are supported within the original claims and make claim 12 dependent on claim 8 in order to place the claim within the elected group. Claim 17 has been amended in a manner similar to that of claim 12 so that it is now dependent on claim 8. No new matter has been added.

Response to Restriction Requirement

In response to the Restriction Requirement Applicant elects Group I containing claims 1-5 drawn to a method for evaluating renal functions with traverse. In view of the reasons put forth below applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement and examination of all of the pending claims.

The instant application was filed under Rule 371. Accordingly, the PCT rules regarding “unity of invention” apply. PCT Rule 13.2 stipulates that the requirement of unity of invention shall be fulfilled only when there is a technical relationship among the inventions involving one or more of the same or corresponding “special technical features”. The expression “special technical features” is defined as those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. The currently amended claims share the use of the “anti-megsin protein antibody” as a “special technical feature”. It is Applicant’s position that this feature is shared by at least the inventions of groups I and II.

The Restriction Requirement asserts that the above groups of inventions are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Office Action has provided the following reasons for the requirement:

- (i) The methods of Groups I and IV comprise two different methods in that each require limitations not required by the other;
- (ii) The reagents of Groups II and III comprise two different reagents in that each require limitations not required by the other; and
- (iii) The invention of Group V is a kit.

Although the proper test has been applied (namely, unity of invention), the specific application of the

test appears to be faulty in part. The issue is not: "does one group include features not required by the other group(s)?" Rather, the question is: "do the groups all share a certain special technical feature that distinguish over the prior art?" Moreover, the Restriction Requirement has failed to compare all of the groups. If this were done it would be found that certain of the groups indeed share special technical features and, therefore, should be examined together.

The currently amended claims share the use of the "anti-megsin protein antibody" as a "special technical feature". It is Applicant's position that this feature is shared by at least the inventions of groups I and II.

If groups I and II share a special technical feature, then the currently claimed inventions of groups III, IV, and V share "a granule comprising a solid granule to the surface of which an anti-megsin protein antibody is bound" as a common "special technical feature."

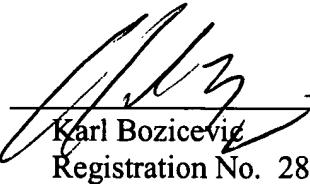
In view of the positions put forth above applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement and examination of all of the pending claims.

In the event minor issues remain unresolved the Examiner is respectfully requested to contact the undersigned attorney at the indicated telephone number to arrange for an interview to expedite disposition of this application.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number SHIM-012.

Respectfully submitted,
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Date: 3/08/03

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